THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11755 of 2006

Dated:19.06.2006

Between:

Musali Madan Mohan Reddy.

…Petitioners

and

The State of A.P., rep.by District Collector, Chittoor, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11755 of 2006

ORDER:

The petitioner is a resident of Kalikiri Village in Chittoor District. He claims to be the absolute owner and possessor of the land admeasuring Acs.2.33 cents in Survey No.605/2 situated at Kalikiri Village and Mandal. The third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), alleging that the petitioner has contravened

the provisions of Section 3(2) of the Act and called upon him to show cause as to why the land should not be resumed to the Government for contravention of the provisions of the Act. The petitioner submitted explanation along with the documents on 15.04.2006. After considering the explanation, the Mandal Revenue Officer passed the impugned order on 18.04.2006 resuming the land, which was assigned to one Balaram, who sold the same to the petitioner in contravention of the provisions of the Act.

It is not denied before this Court that against the order passed by the Mandal Revenue Officer under Section 4 of the Act, an appeal would lie to the second respondent under Section 4-A of the Act. It is, however, submitted that the third respondent passed orders as per the dictates of the second respondent, and therefore, no purpose would be served by filing an appeal before the second respondent. For this reason, this Court summoned the file bearing No.B/54/2006 from the Office of the third respondent. The letter of the Sub Collector dated 07.03.2006, which is referred to in the impugned order is found in the file. The same would show that in the said letter addressed to the District Collector, Chittoor, the second respondent was only referring to the report of the Mandal Revenue Officer sent on 03.03.2006 regarding the number of beneficiaries identified under Indiramma Programme and the particulars of the land suitable for such assignment. This Court is convinced that the Office of the Sub Collector did not play any role insofar as the action taken by the Mandal Revenue Officer under the provisions of the Act.

Therefore, it shall be open to the petitioner to file an appeal before the second respondent within a period of one week from the date of receipt of a copy of this order. As and when such appeal is filed, the second respondent shall entertain and dispose of the same within a period of four weeks from the date of filing of the appeal in accordance with law.

The file produced before this Court discloses that under panchanama, dated 20.04.2006, the revenue Officials took possession of the land including Survey No.605/2 admeasuring Acs.2.33 cents. This is, however, denied by the learned Counsel for the petitioner. Therefore, the petitioner is given liberty to produce the necessary material before the second respondent and obtain appropriate interlocutory orders.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.06.2006

vs